

A RESOLUTION DENYING CASE Z24-0003 AND ADOPTING WRITTEN FINDINGS

NO. 2024-164

WHEREAS, on Monday, November 25, 2024, City Council conducted a public hearing to hear applicant's request to amend the City's zoning ordinance and zoning map by rezoning property located at 10225 Chambers Road from Agricultural District (AG) to Multi-Family Residential District (R-3)("Zoning Application");

WHEREAS, following the closure of the public hearing and subsequent deliberation by City Councilmembers, a motion to approve applicant's Zoning Application was made and seconded ("Motion to Approve");

WHEREAS, the Motion to Approve failed 3-5 as a result of City Council's finding that the application does not meet all of the approval criteria as is required in section 21-3232(5) of the City's Land Development Code; and

WHEREAS, City Charter section 10.11(4) requires that City Council shall, within thirty days, unless changed by ordinance, after the Council hearing, either zone the property by ordinance as initiated or requested or shall deny the initiated or requested zoning, setting out the reasons relied upon for denying the zoning.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this resolution are incorporated as findings of the City Council. This resolution is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Denial of applicant's rezoning application in matter Z24-0003. Having not approved applicant's Zoning Application on November 25, 2024, City Council hereby affirmatively denies applicant's Rezoning Application for the reasons provided on November 25, 2024, which are further clarified below:

The proposed zone district does not meet the approval criteria in section 21-3232(5)(b)(ii) because the proposed zoning of R-3 is more dense than the single family residential development to the south and thus is not compatible. Additionally, the immediate impacts of traffic due to the increase in density will result in adverse effects to surrounding neighbors and properties;

The proposed zone district does not meet the approval criteria in section 21-3232(5)(b)(iii) because the proposed zoning of R-3 does not account for other development that is already approved and there was insufficient evidence provided by the applicant to show that the proposed zone district can provide adequate provision of public services, including but not limited to, water, sewerage, streets and drainage;

The proposed zone district does not meet the approval criteria in section 21-3232(5)(b)(iv) because there was insufficient evidence provided by the applicant to show that the proposed zone district can provide adequate provision of public uses such as school resources;

The proposed zone district does not meet the approval criteria in section 21-3232(5)(b)(v) because there is already multi-family housing existing and planned within the immediate area so there is no community need for the proposed zoning of R-3; and

The proposed zone district does not meet the approval criteria in section 21-3232(5)(b)(vi) because the area for the proposed zone change is stable and it has not changed to such a degree that it is in the public interest to allow the proposed zoning change to R-3.

RESOLVED AND PASSED THIS 16TH DAY OF DECEMBER 2024.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk